



June 23, 2022

BY ECF

Honorable Steven Tiscione
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

RE: *Carmelo Starrantino v. JP Morgan Chase Bank, N.A. et. al.*
Docket No. 2:21-cv-03397-JMA-AKT

Dear Judge Tiscione:

We represent Plaintiff Carmelo Starrantino in connection with the above-referenced matter, and write this letter in response to your order, dated June 16, 2022, requesting a status report of this action and, more specifically, the status of the matter *Starrantino, et. al. v. Palm Contracting & Development LLC, et. al.* (N.Y. Co. Sup. Ct. Index No. 653896/2019) (the “State Action”). As the Court is aware, the instant action has been stayed pending a determination in the State Action.

The State Action is currently on the trial calendar, with pre-trial submissions due by May 13, 2022, and the pre-trial conference scheduled for June 3, 2022. However, on April 19, 2022, counsel for the various defendants in the State Action filed an order to show cause to withdraw as counsel (the “OSC”). By order dated April 29, 2022, the Honorable Jennifer Schecter granted the OSC, and stayed the State Action until May 31, 2022. Judge Schecter also directed Defendant Palm Contracting & Development LLC to appear via counsel by May 31, 2022, also well as directed Defendant William Cann to either appear by counsel or produce a letter indicating an e-mail address to be used for a Microsoft Teams invite for the pre-trial conference. Failure to do the foregoing by either party will result in their pleadings being stricken and plaintiffs would be permitted to move for default judgment.

Just prior to the expiration of the stay in the State Action, the defendants requested and were granted, an extension of time to comply with the aforementioned order, as well as the stay, to June 30, 2022, to find replacement counsel. Judge Schecter also extended the pre-trial submission date to August 11, 2022 and the pre-trial conference to August 25, 2022. These dates were marked final.

As of the date of this status letter, the defendants in the State Action have not produced new counsel nor have they complied with the requirements of Judge Schechter's order.

Should the Court have any additional questions or need any further information, please do not hesitate to contact the undersigned.

Very truly yours,

/s/ David R. Smith

David R. Smith
The David R. Smith law Group PLLC

cc: Chase's counsel via ECF and email.